

*Status: This version of this part contains provisions that are prospective.*

**Changes to legislation:** Renting Homes (Wales) Act 2016, PART 2 is up to date with all changes known to be in force on or before 03 September 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

PROSPECTIVE

## SCHEDULE 6

### REASONABLENESS OF WITHHOLDING CONSENT ETC.

#### PART 2

##### CIRCUMSTANCES WHICH MAY BE RELEVANT TO REASONABLENESS GENERALLY

###### *Status of occupation contract*

- 2 Whether any party to the contract has taken steps towards ending the contract or done any act which may cause the contract to end.

###### *The dwelling*

- 3 (1) The size and suitability of the dwelling affected by the transaction.
- (2) Whether, as a result of the transaction, the dwelling will—
- (a) constitute an overcrowded dwelling for the purposes of Part 10 of the Housing Act 1985 (c. 68) (see section 324 of that Act),
  - (b) provide substantially more extensive accommodation than is reasonably required by the persons who will occupy the dwelling as a home, or
  - (c) provide accommodation that is not suitable to the needs of the persons who will occupy the dwelling as a home.
- (3) Whether, if the transaction were to take place, an estate management ground would become available to the landlord (see Schedule 8).
- (4) If the landlord has established requirements as to—
- (a) the number of persons who are to occupy the dwelling affected by the transaction as a home, or
  - (b) the age or general characteristics of those persons,
- whether the persons who will occupy the dwelling as a home will meet those requirements.
- (5) But the landlord's requirements are to be taken into account under sub-paragraph (4) only to the extent that they are reasonable.

###### *Circumstances of contract-holder and other occupiers*

- 4 (1) The probable effect of the transaction on—
- (a) the parties to the transaction, and
  - (b) any other person who occupies, or as a result of the transaction will occupy, the dwelling affected by the transaction as a home.

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- (2) The financial interests of the contract-holder; but this sub-paragraph does not apply (subject to the contract-holder's Convention rights) if the occupation contract is a secure contract and the landlord is a community landlord.
- 5 (1) The conduct of the contract-holder (including, in particular, whether he or she is or has been in breach of the occupation contract).
- (2) Whether, if the landlord asked the contract-holder for information to enable the landlord to deal with the request for consent, the contract-holder provided that information.
- 6 If the contract-holder is in breach of the occupation contract when he or she requests the landlord's consent to the transaction, it is reasonable for the landlord to impose a condition that—
- (a) the landlord's consent is to take effect only after the contract-holder ceases to be in breach, or
  - (b) despite anything in this Act or the occupation contract the person, or all the persons, who will be contract-holders after the transaction are to be liable in respect of the breach.

#### *Circumstances of landlord*

- 7 (1) The landlord's interests, including the landlord's financial interests.
- (2) If the landlord is a community landlord, the probable effect of the transaction on its ability to fulfil its housing functions.
- (3) Whether (and if so, when) a person would obtain a dwelling (or a dwelling similar to the dwelling affected by the transaction) from the landlord if the transaction did not take place.
- (4) If the landlord is required to publish a summary of rules under section 106 of the Housing Act 1985 (c. 68) (allocation of housing accommodation), those rules.
- (5) If the landlord is a local housing authority, its allocation scheme (within the meaning of section 167 of the Housing Act 1996 (c. 52)) and any information available under section 167(4A) of that Act to a person applying for an allocation of housing accommodation.
- (6) If neither sub-paragraph (4) nor sub-paragraph (5) applies but the landlord has criteria for the allocation of accommodation, those criteria.
- 8 (1) The landlord's refusal of consent to a transaction is reasonable if—
- (a) the landlord is a local housing authority, and
  - (b) as a result of the transaction a person who is ineligible (or is to be treated as ineligible) for an allocation of housing accommodation by the landlord will become a contract-holder.
- (2) Sub-paragraph (1) does not apply to a transfer to a potential successor under section 114 or to a secure contract-holder under section 118.
- (3) Whether a person is ineligible, or is to be treated as ineligible, for an allocation of housing accommodation by the landlord is to be determined in accordance with section 160A of the Housing Act 1996 (c. 52) and regulations under that section.

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**Changes and effects yet to be applied to :**

- specified provision(s) savings for amendments by 2018 anaw 1, s. 6, Sch. 6 by [S.I. 2019/110 reg. 5](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 20(3)(ma) inserted by [2019 anaw 2 Sch. 3 para. 4\(2\)](#)
- s. 135(2)(ia) inserted by [2019 anaw 2 Sch. 3 para. 4\(3\)](#)
- s. 177A inserted by [2019 anaw 2 Sch. 3 para. 2](#)
- s. 186A-186C inserted by [2019 anaw 2 Sch. 3 para. 4\(1\)](#)
- s. 198A inserted by [2019 anaw 2 Sch. 3 para. 5](#)
- Sch. 2 para. 4(b)-(e) substituted for Sch. 2 Pt. 2 para. 4(b)(c) by [S.I. 2018/195 reg. 56](#)  
(This amendment comes into force on the day on which the Renting Homes (Wales) Act 2016 (anaw 1), Sch. 2 para. 4 comes into force.)